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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

JOHNATHON IRISH

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19-cr-251-01-LM

March 2, 2020

2:10 p.m.

TRANSCRIPT OF MOTION HEARING
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

APPEARANCES:

For the Government:

Cam T. Le, AUSA
U.S. Attorney's Office

For the Defendant:

Benjamin L. Falkner, Esq.
Krasnoo, Klehm & Falkner, LLP

Court Reporter:

Susan M. Bateman, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1453

1 P R O C E E D I N G S

2 THE CLERK: The Court has before it for
3 consideration today a motion hearing in criminal case
4 19-cr-251-LM, United States versus Johnathon Irish.

5 THE COURT: All right. I am dealing today
6 just with document 41. I was gone all last week, but I
7 did want to have a hearing on this motion and just
8 confirm with Mr. Irish that you do in fact want Mr.
9 Falkner to withdraw.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Okay. All right.

12 And my second question to you is, do you want
13 me to appoint new counsel or do you want to represent
14 yourself? And I hope you want me to appoint new
15 counsel.

16 THE DEFENDANT: Yes, I would like to speak to
17 you about new counsel, please, but I was wondering if we
18 could speak about a few things without the government in
19 the room.

20 THE COURT: That is fine.

21 THE DEFENDANT: No offense, ma'am.

22 THE COURT: All right. Stay nearby and we'll
23 call you back in.

24 MS. LE: Yes, your Honor.

25 THE COURT: Although I did forget to call an

1 assistant U.S. attorney back into a hearing. I just
2 adjourned because we resolved it. So I apologize to
3 your office. We won't forget.

4 Okay. So we'll seal the courtroom then.
5 There's somebody -- I'm sealing the courtroom for Mr.
6 Irish's benefit.

7 (SEALED PORTION OF THE RECORD)

8 (CONCLUSION OF SEALED PORTION)

9 THE COURT: Attorney Le, document 41 is
10 granted.

11 MS. LE: Thank you, your Honor.

12 THE COURT: That's really all you need to know
13 at this point. If you can pass that along to Attorney
14 Krasinski.

15 Yes.

16 MR. FALKNER: I'm sorry. Now that the
17 government is in, just one minor housekeeping matter. I
18 don't have the number, but late last week the government
19 did file a motion to seize the firearms or something
20 along those lines, and I would just ask that his new
21 attorney be given enough time to respond to that. It
22 was just filed after my motion to withdraw and before
23 today's hearing.

24 THE COURT: That's a good point, and the Court
25 will do that. It won't come to me until it's ripe,

1 meaning your attorney has an opportunity to weigh in on
2 that after consulting with you, sir.

3 THE DEFENDANT: Thank you, your Honor.

4 I haven't obviously read the document, but
5 being told it's a document to seize the firearms, I
6 would say especially whereas there could be a new trial
7 or there could be a whole different slew of outcomes,
8 that that be brought into consideration as well, your
9 Honor.

10 THE COURT: And I think your lawyer may be
11 making that very argument. All right.

12 MS. LE: Just for the record, is that document
13 43 the motion for preliminary order of forfeiture? Is
14 that what you are referring to, counsel?

15 MR. FALKNER: I believe that's correct.

16 MS. LE: Okay.

17 THE COURT: Okay. All right. Thank you.
18 Court is adjourned.

19 MR. FALKNER: Thank you, your Honor.

20 (Conclusion of hearing 2:35 p.m.)
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C E R T I F I C A T E

I, Susan M. Bateman, do hereby certify that the foregoing transcript is a true and accurate transcription of the within proceedings, to the best of my knowledge, skill, ability and belief.

Submitted: 4-15-20

/s/ Susan M. Bateman
SUSAN M. BATEMAN, RPR, CRR